

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Telephone Number Portability	)	CC Docket No. 95-116
	)	
Yadkin Valley Telephone	)	
Membership Corporation	)	
	)	
Petition for Limited Waiver and Extension of	)	
Section 52.23(c) of the Commission's Rules	)	
_____	)	

**SPRINT COMMENTS**

Sprint Corporation, on behalf of its wireless division, Sprint Spectrum L.P., d/b/a Sprint PCS ("Sprint"), submits these comments in response to the Petition for Limited Waiver of Rule 52.23(c) submitted on November 20, 2003 by the Yadkin Valley Telephone Membership Corporation ("Yadkin Valley").<sup>1</sup> Specifically, Yadkin Valley seeks a temporary waiver of "up to ninety days" in which to begin providing number portability to wireless carriers.<sup>2</sup> Sprint does not oppose this request. As Yadkin Valley demonstrates, it has "undertaken concrete steps to come as close as possible to full compliance, has documented its efforts, and has a clear path to full compliance."<sup>3</sup>

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<sup>1</sup> See Yadkin Valley Telephone Membership Corporation, Petition for Limited Waiver and Extension of Time to Port Numbers to Wireless Carriers, CC Docket No. 95-116 (Nov. 20, 2003) ("Yadkin Valley Petition").

<sup>2</sup> See *id.* at 1.

<sup>3</sup> *Id.*

Yadkin Valley states that it has received a request to provide by November 24, 2003 number portability to wireless carriers.<sup>4</sup> It further declares that it is “acquiring and installing . . . switch functionality features necessary for WLNP.”<sup>5</sup> Its Petition identifies four additional steps that Yadkin Valley “plans to complete . . . within the next ninety days”:

1. It will be installing “an administrative system” that will “facilitate the porting of numbers to and from wireless carriers;”<sup>6</sup>
2. It must finalize contracts that are necessary “to establish methods and procedures for dealing with the Number Portability Administration Center (“NPAC”);”
3. It wants to “conclude negotiation of Service Level Agreements (“SLAs”) with CMRS carriers;” and
4. It wishes to engage in intercarrier testing.<sup>7</sup>

Points 3 and 4 are not prerequisites for porting. Nevertheless, SLAs and intercarrier testing should be encouraged – and in this case the availability of LEC-wireless porting is not delayed unreasonably as a result.

FCC Rule 52.23(e) establishes the criteria that a LEC must show to receive a waiver of the Commission’s number portability guidelines.<sup>8</sup> Yadkin Valley, based on the representations contained in its Petition, appears to meet these criteria. Additionally, Yadkin Valley has provided “substantial, credible evidence that there are special circumstances that warrant departure from existing rules.”<sup>9</sup>

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<sup>4</sup> See Yadkin Valley Petition at 2.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 2.

<sup>7</sup> *Id.* at 2-4.

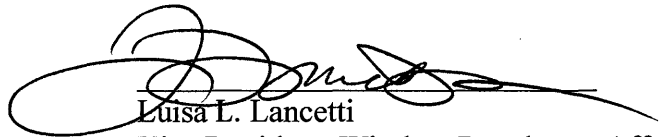
<sup>8</sup> FCC Rule 52.23(e) further specifies that waiver requests are to be submitted “at least 60 days in advance of the deadline.” Given the substantial work Yadkin Valley has undertaken to come into compliance, Sprint recommends that the FCC grant a waiver of this rule requirement as well.

<sup>9</sup> *Telephone Number Portability – CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues*, CC Docket No. 95-116, *Memorandum Opinion and Order and Further Notice of Proposed Rule-making*, FCC 03-284, at ¶ 30 (Nov. 10, 2003)(“*LEC-Wireless Porting Clarification Order*”).

For the foregoing reasons, Sprint does not oppose the temporary and limited waiver request that Yadkin Valley has submitted.

Respectfully submitted,

**SPRINT CORPORATION**

A handwritten signature in black ink, appearing to read 'L. Lancetti', written over a horizontal line.

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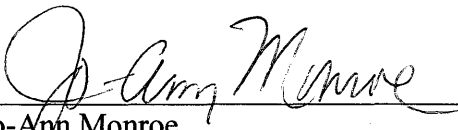
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November 26, 2003

### **Certificate of Service**

I, Jo-Ann Monroe, certify that on this 26th day of November, I caused a copy of the foregoing Sprint Comments to be served by first class mail, postage prepaid, to:

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